



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

MAILED

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12/20/2003
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PAT. & T.M. OFFICE
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12/20/2003

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Patentees: Sedrani et al.
Application No.: 09/757,212
Filed: 01/09/01; now U.S. Patent
6,635,745, granted 10/21/03
For: Rapamycin Assay

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,429.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Sally Gardner Lane
SALLY GARDNER LANE
Administrative Patent Judge

INTERFERENCE DIGEST

Interference No. 105,429

Paper No. 18

Name: Richard Sedrani et al.

Serial No.: 09/757,212

Patent No. 6,635,745

Title: Rapamycin Assay

Filed: 01/09/01; granted 10/21/03

Interference with Molnar-Kimber et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.

Mail Stop Interference
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Filed:
April 26, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

KATHERINE L. MOLNAR-KIMBER,
CRAIG E. CAUFIELD, and
TIMOTHY D. OCAIN
Junior Party
(Application 09/576,951),

MAILED

v.

APR 26 2006

RICHARD SEDRANI
and VALERIE QUESNIAUX
Senior Party
(Patent 6,635,745).

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Patent Interference No. 105,429
(Technology Center 1600)

DECLARATION - Bd.R. 203(d)¹

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
3 parties. Details of the application(s), patent (if any), reissue application (if any),
4 count(s) and claims designated as corresponding or as not corresponding to the
5 count(s) appear in Parts E and F of this DECLARATION.

6

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part B. Judge managing the interference**

2 Administrative Patent Judge Sally Gardner Lane has been designated to
3 manage the interference. Bd. R. 104(a).

4 **Part C. Standing order**

5 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
6 DECLARATION. The STANDING ORDER applies to this interference.

7 **Part D. Initial conference call**

8 A telephone conference call to discuss the interference is set for **2:00 pm on**
9 **20 June 2006** (the Board will initiate the call).

10 No later than **four business days** prior to the conference call, each party shall
11 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
12 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

13 A sample schedule for taking action during the motion phase appears as Form 2
14 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
15 the conference call and to agree on dates for taking action. A typical motion period
16 lasts approximately eight (8) months. Counsel should be prepared to justify any
17 request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: Katherine L. Molnar-Kimber
Worcester, PA

Craig E. Caufield
New York, NY

Timothy D. Ocain
Framingham, MA

Involved Application: 09/576,951, filed 24 May 2000

Title: ANTI-RAPAMYCIN MONOCLONAL ANTIBODIES

Assignee: Wyeth

Senior Party

Named Inventors: Richard Sedrani
Basle, Switzerland

**Valerie Quesniaux
Ryffel, Allschwil, Switzerland**

Involved Patent: 6,635,745, issued on 21 October 2003
from application 09/757,212, filed 9 January 2001

Title: RAPAMYCIN ASSAY

Assignee: Novartis AG

27 The senior party is assigned exhibit numbers 1001-1999. The junior party is

28 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party

29 is responsible for initiating settlement discussions. SO ¶ 126.1.

1 **Part F. Count and claims of the parties**

2 Count 1

3 Claim 1 of Sedrani (6,635,745)

4 or

5 claim 33 of Molnar-Kimber (09/576,951).

6 The claims of the parties are:

7 Sedrani: 1-4

8 Molnar-Kimber: 33-47

9 The claims of the parties which correspond to Count 1 are:

10 Sedrani: 1-4

11 Molnar-Kimber: 33-38 and 41-47

12 The claims of the parties which do not correspond to Count 1, and therefore are

13 not involved in the interference, are:

14 Sedrani: none

15 Molnar-Kimber: 39 and 40

16 The parties are accorded the following benefit for Count 1:

17 Sedrani:

18 US 09/072,278 filed 4 May 1998

19 US 08/532,837, filed 5 October 1995

20 PCT/EP94/01006, filed 30 March 1994

21 UK 9307491.2, filed 8 April 1993

22

23

1 Molanar-Kimber:
2 US 08/424,983, filed 19 April 1995
3 US 08/224,205, filed 14 April 1994
4 US 08/053,030, filed 23 April 1993

5 **Part G. Heading to be used on papers**

6 The following heading must be used on all papers filed in this interference, see

7 SO ¶ 106.1.1:

8
9 **UNITED STATES PATENT AND TRADEMARK OFFICE**
10 _____
11

12 **BEFORE THE BOARD OF PATENT APPEALS**
13 **AND INTERFERENCES**
14 _____
15

16 **KATHERINE L. MOLNAR-KIMBER,**
17 **CRAIG E. CAUFIELD, and**
18 **TIMOTHY D. OCAIN**
19 **Junior Party**
20 **(Application 09/576,951),**
21

22 **v.**
23

24 **RICHARD SEDRANI**
25 **and VALERIE QUESNIAUX**
26 **Senior Party**
27 **(Patent 6,635,745).**
28 _____

29 **Patent Interference No. 105,429**
30 **(Technology Center 1600)**
31 _____
32

33 **Part H. Order form for requesting file copies**

34 When requesting copies of files, use of SO Form 4 will greatly expedite
35 processing of the request. Please attach a copy of Parts E and F of this

- 1 DECLARATION** with a hand-drawn circle around the patents and applications for which
- 2 a copy of a file wrapper is requested.**

/Sally Gardner Lane/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Form PTO-850
Copy U.S. Patent 6,635,745
Copy of claims of 09/576,951

Revised 3 January 2006

cc (via overnight delivery):

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